

SL

UNITED STATES DISTRICT COURT

for the

Southern District of OhioUnited States of America
v.

Case No.

2:19-mj-572

Joshua Wayne Touvell
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 05/11/2019 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:*Code Section*

18 U.S.C. 922(g)(1)

Offense Description

Possession of a Firearm by a Prohibited Person (Convicted felon)

This criminal complaint is based on these facts:
See Attachment A - Affidavit☒ Continued on the attached sheet.

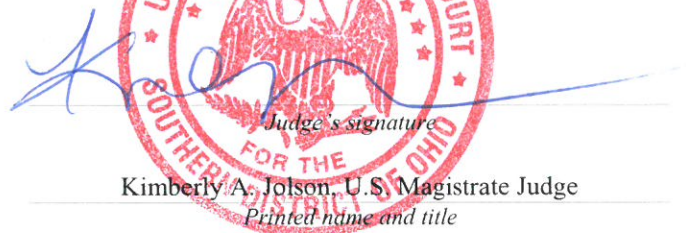
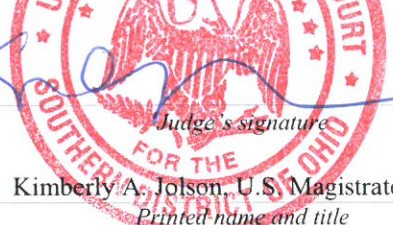
Sworn to before me and signed in my presence.

Date:

July 17, 2019

City and state: Columbus, Ohio*Complainant's signature*

Jerry Orick, ATF Task Force Officer

Printed name and title
*Judge's signature*Kimberly A. Jolson, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A

I, Jerry Orick, being duly sworn, depose and state that:

I have been a Police Officer with the Columbus, Ohio Division of Police (CPD) since 2001. I have been a Task Force Officer (TFO) with the United States Department of Justice, Bureau of Alcohol, Tobacco Firearms, and Explosives since May 2005. I am familiar with State and Federal criminal laws pertaining to firearms and narcotics violations.

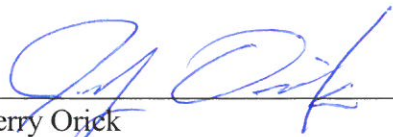
1. This affidavit is made in support of a criminal complaint against Joshua Wayne TOUVELL for a violation of Title 18, United States Code, Section 922(g)(1): Possession of a firearm by a Prohibited Person. The statements in this affidavit are based upon my training and experience, consultation with other experienced investigators and agents, review of related police reports, and other sources of information relative to firearms investigations. This affidavit is intended to set forth probable cause in support of the criminal complaint and does not purport to set forth all of my knowledge regarding this investigation.
2. On May 11, 2019, Columbus, Ohio Division of Police Officers received a ShotSpotter alert indicating that one (1) round of ammunition had been fired in front of 624 S. Harris Avenue, Columbus, Ohio. Additional calls were received by CPD dispatch stating that a white male, with no shirt on was standing in front of a black Ford Crown Victoria with a firearm in his hand in the vicinity of the ShotSpotter alert.
3. Officers responded to the aforementioned address within three minutes of receiving the alert and observed an individual later identified as Joshua Wayne TOUVELL standing on the front passenger side of a black Ford Crown Victoria bearing Ohio tag H142333.
4. Upon observing the officers, TOUVELL opened the passenger side front door and began to enter the vehicle. Officers ordered TOUVELL to exit the vehicle. TOUVELL complied to the officers' orders after several seconds and was taken into custody without incident. Officers then observed, in plain view, a Glock, model 23, .40 caliber, gen 4 with laser sight pistol bearing serial number: RTV327 on the front passenger side seat.
5. Officers also recovered a Federal S&W .40 caliber shell casing in front of 624 S. Harris Avenue, Columbus, Ohio. Officers further observed that the ammunition loaded in the magazine of the recovered Glock was Federal S&W.
6. The .40 caliber casing was turned over to the Columbus, Ohio Division of Police Crime Laboratory for NIBIN (National Integrated Ballistic Information Network) testing and it was determined per laboratory case number: CPCL-2019-02872 that the shell casing recovered in front of 624 S. Harris Avenue, Columbus, Ohio on May 11, 2019 was fired from the Glock,

model 23, .40 cal, gen 4 with laser sight pistol bearing serial number: RTV327 recovered from TOUVELL on the same date.

7. Officers also observed Tyler Chambers in the front seat of the previously identified vehicle. Chambers was also found to be in possession of a firearm, charged with Having Weapons While Under Disability and slated at the Franklin County, Ohio Jail. Chambers was issued Franklin County, Ohio Jail inmate booking number: 20190512012 and provided access to the Franklin County, Ohio Jail inmate call system Global Tel Link (GTL).
8. TOUVELL was also charged with Having Weapons Under Disability and slated at the Franklin County, Ohio Jail. TOUVELL was issued Franklin County, Ohio Jail inmate booking number: 20190512007 and provided access to the Franklin County, Ohio Jail inmate call system Global Tel Link (GTL).
9. TOUVELL's inmate calls were reviewed and during one of TOUVELL's initial calls he informs the called person that he was in front of Chambers' residence, added that he shot the firearm and that the responding CPD Officers did not find the firearm on his person. A copy of the call will be maintained by ATF as evidence.
10. Chambers' inmate calls were also reviewed and during one of Chambers' initial calls TOUVELL and Chambers were three way connected by the called person. During the Chambers/ TOUVELL call, Chambers asks TOUVELL why he fired the shot. TOUVELL confirms that he fired the shot and informs Chambers that he (TOUVELL) was high out of his mind and did not know why he fired the shot on May 11, 2019. A copy of the call will be maintained by ATF as evidence.
11. Your affiant received a certified copy of a judgment order from the Court of Common Pleas, Guernsey County, Ohio for Joshua W. TOUVELL, which revealed the following: on or about January 22, 2013, Joshua W. TOUVELL entered a guilty plea to the charge of Burglary, in violation of Ohio Revised Code (O.R.C.) § 2911.12(A)(3), a felony of the third degree, punishable by more than one year, criminal case number: 12-CR-124.
12. Your affiant is also aware that TOUVELL was previously convicted of Receiving Stolen Property, a Felony-4, in Franklin County (Ohio) Court of Common Pleas in Case No. 11-CR-6290 (indicted under Joshua W. Tourvell) and was placed on community control. Your affiant contacted Franklin County Adult Probation and confirmed that upon being placed on community control, TOURVELL would have been advised that he was prohibited from possessing a firearm.
13. On July 17, 2019, ATF Special Agent (SA) Jason Burns reviewed the information on the above mentioned firearm related to this investigation to determine the origin and status as to travel in interstate and/or foreign commerce. SA Burns is an ATF Interstate Nexus Expert, is a graduate of the ATF Firearms Interstate Nexus Training School, and is certified in making firearms and ammunition interstate nexus determinations. SA Burns determined that the from the Glock,

model 23, .40 caliber, gen 4 with laser sight pistol bearing serial number: RTV327, was not manufactured in the state of Ohio, and therefore moved/affected interstate/foreign commerce to reach the state of Ohio.

14. Based upon the aforementioned information and events, and your affiant's training and experience in dealing with federal firearms violations, your affiant believes that probable cause exists to believe that on or around May 11, 2019, in the Southern District of Ohio, Joshua Wayne TOUVELL, possessed a firearm, to wit: a Glock, model 23, .40 caliber, gen 4 with laser sight pistol bearing serial number: RTV327, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, and did so knowingly, in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

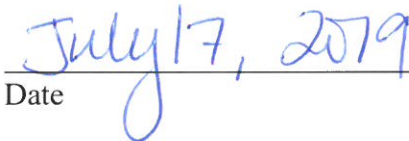


Jerry Orick
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me and signed in my presence.



Kimberly A. Jolson
U.S. MAGISTRATE JUDGE



Date